

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,893	09/22/2003	Karlheinz Hermann	0902-006	4265
75	90 12/14/2005		EXAM	INER
Steven M. duE	Bois		PRITCHETT	, JOSHUA L
Potomac Patent	Group, PLLC		ADTIBUT	DADED MINUDED
PO Box 855			ART UNIT	PAPER NUMBER
McLean, VA 22101-0855			2872	
		DATE MAILED: 12/14/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☑ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ould be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE				Ax
Examiner \$71-272-338		Application No.	Applicant(s)	
### Joshua L. Prichett ### 2872 ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 28 November 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 FAILS TO PLACE THE ALLOWANCE. ### THE REPLY FILED 2005 F	<u> </u>	10/664,893	HERMANN ET AL.	
## Joshua L. Pritchett ## 2872 **THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.* **THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.* **I The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal feel) in compliance with 37 CFR 1.131, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: **a) The period for reply expires 3 months from the mailing date of the Makwary Action, or (2) the date set forth in the final rejection. Whichever is later. In no event, however, will the statutory period for reply expires on: (1) the mailing date of the Makwary Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on: (3) the mailing date of the Makwary Action, or (2) the date set forth in the final rejection. Whichever is later. In no event, however, will the statutory period for reply expire settlem box (2) or (2) the CKE ROX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY BOX (c) and the secon	Before the Filing of an Appeal Brief	Examiner 571-272-2318	Art Unit	
THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application, application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods. 2) ☑ The period for reply expires 3 months from the mailing date of the final rejection. b) ☐ The period for reply expires 3 months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statidory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examinar Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See IMPEP 708.07(i). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension as file and advised to the file action of capture of the period of the period under 37 CFR 1.13(a) and the corresponding amount of the file. The purposes of determining the period of extension station period for reply originally set in the filed filed extension of the termining the period of extension and station period for reply originally set in the filed filed extension of the period of the peri			2872	
 1.	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the malling date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expires box (2) the final rejection on the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY EXPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONT	THE REPLY FILED 28 November 2005 FAILS TO PLACE THI	S APPLICATION IN CONDITION F	FOR ALLOWANCE.	
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. see MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(g). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL. The Notice of Appeal was filled on	this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a No (3) a Request for Continued Examination (RCE) in comp following time periods:	owing replies: (1) an amendment, a otice of Appeal (with appeal fee) in liance with 37 CFR 1.114. The repl	ffidavit, or other evide compliance with 37 C	ence, which CFR 41.31; or
been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any searned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL □ The Notice of Appeal was filed on	event, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b).	an SIX MONTHS from the mailing date o . ONLY CHECK BOX (b) WHEN THE FI	f the final rejection.	
of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS	been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened sta	and the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extension final Office action; or (2)	on fee under 37 as set forth in (b)
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	of filing the Notice of Appeal (37 CFR 41.37(a)), or any e	extension thereof (37 CFR 41.37(e)), to avoid dismissal o	of the appeal.
(d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-14. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	 (a) They raise new issues that would require further co (b) They raise the issue of new matter (see NOTE below) (c) They are not deemed to place the application in below 	onsideration and/or search (see NO ow);	TE below);	
5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-14. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).			· (PTOL_324)
 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-14. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 	 5. Applicant's reply has overcome the following rejection(s 6. Newly proposed or amended claim(s) would be a):		
 AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 	7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-14.	· · · ·	vill be entered and an	explanation of
entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good and	_	• • • • • • • • • • • • • • • • • • • •	
TO TO THE AUDUANT OF DIDELENDEDGE IN EMERCIC AREXIDADADOLOGIDE NAMED OF THE CIAILIN ARECEMIA IN DECIMAL ADACTED	9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under apperty and was not earlier presented.	al and/or appellant fa See 37 CFR 41.33(d)(ils to provide a (1).

DREW A. DUNN SUPERVISORY PATENT EXAMINER

13. Other: ____.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).